

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 433, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 25-26-13-20 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) A person
- 4 desiring to open, establish, operate, or maintain a pharmacy shall apply
- 5 to the board for a pharmacy permit on a form provided by the board.
- 6 The applicant shall set forth:
- 7 (1) the name and occupation of the persons desiring the permit;
- 8 (2) the location, including street address and city, of the
- 9 pharmacy;
- 10 (3) the name of the pharmacist who will qualify the pharmacy by
- 11 being responsible to the board for the legal operation of the
- 12 pharmacy under the permit; and
- 13 (4) such other information as the board may require.
- 14 (b) If the applicant desires to open, establish, operate, or maintain
- 15 more than one (1) pharmacy, he must file a separate application for
- 16 each. Each pharmacy must be qualified by a different pharmacist.
- 17 (c) **A pharmacist may serve as a qualifying pharmacist for two**
- 18 **(2) Type II permits, if both of the Type II permits are held by**
- 19 **hospitals. Upon application to and approval by the board, a**
- 20 **pharmacist may serve as a qualifying pharmacist for more than**
- 21 **two (2) Type II permits.**

1 **(d)** The board shall grant or deny an application for a permit not
 2 later than one hundred twenty (120) days after the application and any
 3 additional information required by the board are submitted."

4 Page 2, line 10, delete "It is not reasonably possible" and insert "**The**
 5 **pharmacist has made every effort**".

6 Page 2, line 11, after "practitioner" insert "**or the practitioner's**
 7 **designee**".

8 Page 2, line 13, delete "a" and insert "**failure to provide a refill**
 9 **would be seriously detrimental to the patient's health.**".

10 Page 2, delete line 14.

11 Page 2, delete lines 33 through 34, begin a new line block indented
 12 and insert:

13 "**(6) The pharmacist shall document the following information**
 14 **regarding the refill:**

15 **(A) The information required for any refill dispensed**
 16 **under subsection (d).**

17 **(B) The dates and times that the pharmacist attempted to**
 18 **contact the prescribing practitioner or the practitioner's**
 19 **designee for consultation and authorization of the**
 20 **prescription refill.**

21 **(C) The fact that the pharmacist dispensed the refill**
 22 **without the authorization of a licensed practitioner."**

23 Page 2, line 38, delete "is for" and insert "**must be for the**
 24 **minimum quantity of drug for which the prescription was written**
 25 **that would allow the patient to maintain the patient's prescribed**
 26 **requirements for the drug until that patient is able to obtain a**
 27 **prescription from the original prescribing practitioner or the**
 28 **practitioner's designee."**

29 Page 2, delete lines 39 through 40.

30 Page 3, line 26, delete "in good faith".

31 Page 4, after line 5, begin a new paragraph and insert:

- 1 **"(k) A pharmacist who violates subsection (c) commits a class A**
- 2 **infraction.".**
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 433 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Miller, Chairperson